

Message Text

UNCLASSIFIED

PAGE 01 TEL AV 09285 241050Z
ACTION SNM-05

INFO OCT-01 EUR-12 NEA-10 ISO-00 L-03 PPTE-00 CA-01
DEAE-00 CTME-00 JUSE-00 /032 W
-----035824 241437Z /43

R 211508Z JUL 78
FM AMEMBASSY TEL AVIV
TO SECSTATE WASHDC 4346
INFO AMEMBASSY PARIS
AMEMBASSY ANKARA

UNCLAS TEL AVIV 9285

POSTS FOR DEA

E.O. 11652: N/A
TAGS: SNAR, IS
SUBJECT: SNAR: NARCOTICS LAWS IN ISRAEL

REF: (A) STATE 170187 (B) 77 TEL AVIV A-224

1. ISRAELI NARCOTICS LAWS PROVIDE PENALTIES FOR POSSESSION, TRAFFICLING, CULTIVATION AND PRODUCTION OF NARCOTICS AND FOR FINANCING THESE ACTIVITIES, EXCEPT AS NOTED IN PARAGRAH 7 BELOW. THE LAW MAKES NO DISTINCTION REGARDING AMOUNTS OR KINDS OF NARCOTICS INVOLVED NOR DOES IT DISTINGUISH BETWEEN TRAFFICKING AND POSSESSION. NEW LAWS HAVE BEEN PROPOSED TO PROVIDE PENALTIES FOR POSSESSION OR TRAFFICKING ACCORDING TO AMOUNTS OR KINDS OF NARCOTICS INVOLVED. ISRAELI NATIONAL POLICE (INP) SEEK PROSECUTION FOR DRUG OFFENSES REGARDLESS OF THE AMOUNT OR KIND OF DRUG INVOLVED.
2. IN PRACTICE, HOWEVER, CASES INVOLVING POSSESSION OF SMALL AMOUNTS OF NARCOTICS FOR PERSONAL USE ONLY, AS WELL AS CASES INVOLVING MINORS, ARE USUALLY PRESENTED BY A PROSECUTOR TO LOWER COURTS WHICH

UNCLASSIFIED

PAGE 02 TEL AV 09285 241050Z

CAN ONLY IMPOSE SENTENCES UP TO THREE YEARS, HEREBY PROVIDING A DE FACTO UPPER LIMIT OF PENALTIES FOR SUCH OFFENSES. FINES, SUSPENDED SENTENCES AND DEPORTATION ARE OFTEN IMPOSED FOR OFFENSES BY FOREIGNERS INVOLVING SMALL AMOUNTS OF DRUGS. PAROLE IS NOT USED IN ISRAEL.

3. MORE SERIOUS CASES ARE PRESENTED TO DISTRICT COURTS WHICH CAN IMPOSE THE HIGHEST SENTENCES AUTHORIZED BY LAW, WHICH IS TEN YEARS FOR NARCOTICS OFFENSES. AMENDMENTS HAVE BEEN PROPOSED TO INCREASE THE UPPER LIMIT FOR SERIOUS NARCOTICS OFFENSES TO FIFTEEN YEARS. THERE ARE NO MINIMUM PENALTIES IN ISRAELI LAW. BAIL IS USED BUT NOT AS EXTENSIVELY AS IN THE UNITED STATES. TYPICALLY, BAIL MIGHT BE SET BY A DISTRICT COURT FOR ONE ACCUSED OF TRAFFICKING. WHEN A FOREIGNER IS ARRESTED, HIS CONSUL IS USUALLY NOTIFIED. PERSONS DETAINED FOR DRUG OFFENSES ARE PERMITTED TO MAKE A PHONE CALL AND PERMITTED TO SEE AN ATTORNEY.

4. IN A TYPICAL CASE OF POSSESSION OF SMALL AMOUNTS OF NARCOTICS, INP MAY DETAIN AN ACCUSED FOR UP TO 48 HOURS ON REASONABLE SUSPICION ONLY. IF THE ACCUSED IS CHARGED, HE IS USUALLY RELEASED ON HIS OWN RECOGNIZANCE AND WAITS USUALLY FOR ONE TO THREE MONTHS (OR OCCASIONALLY UP TO ONE YEAR) FOR TRIAL, WHICH IS USUALLY COMPLETED IN A SINGLE SESSION.

5. IN MORE SERIOUS CASES, INP MAY SEEK A COURT ORDER TO DETAIN AN ACCUSED FOR PERIODS OF ABOUT 15 DAYS FOR FURTHER INVESTIGATION, WHICH MAY BE EXTENDED BY THE COURT. IN A FEW VERY SERIOUS CASES, INP MAY PETITION A COURT FOR DETENTION UNTIL THE TIME OF THE TRIAL, AND IN SUCH A CASE, TRIAL WOULD TYPICALLY, BEGIN WITHIN THREE OR FOUR MONTHS OF DETENTION AND LAST FOR ONE TO TWO MONTHS. THOSE WHO WISH TO APPEAL A SENTENCE, AN UNCOMMON PRACTICE HERE, MUST DO SO WITHIN UNCLASSIFIED

UNCLASSIFIED

PAGE 03 TEL AV 09285 241050Z

SIXTY DAYS OF SENTENCING.

6. PUBLIC DEFENDERS DO NOT EXIST IN ISRAEL BUT COURTS MAY APPOINT ATTORNEYS TO DEFEND INDIGENTS. A DEFENDENT HAS AN UNCONDITIONAL RIGHT TO A COURT APPOINTED DEFENSE ATTORNEY IN ONLY THREE CIRCUMSTANCES: WHEN THE MAXIMUM SENTENCE IS MORE THAN TEN YEARS, AND WHEN THE DEFENDENT IS UNDER SIXTEEN YEARS OLD OR IS FOUND TO BE MENTALLY INCOMPETENT.

7. VERY SMALL AMOUNTS OF NARCOTICS ARE LEGALLY GROWN IN ISRAEL FOR SCIENTIFIC PURPOSES ONLY: NONE FOR INDUSTRIAL USE.

8. ISRAELI CONSPIRACY LAWS MAY BE RELATED TO ANY CRIME, INCLUDING NARCOTICS OFFENSES.

9. REF AIR CONTAINS USEFUL ADDITIONAL INFORMATION ABOUT LEGAL PROBLEMS ENCOUNTERED BY AMERICANS IN ISRAEL. VIETS

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NARCOTICS, DRUG CONTROL, LAW
Control Number: n/a
Copy: SINGLE
Draft Date: 21 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978TELAV09285
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780303-0433
Format: TEL
From: TEL AVIV
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780731/aaaaazzq.tel
Line Count: 110
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: afa88a6e-c288-dd11-92da-001cc4696bcc
Office: ACTION SNM
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 STATE 170187, 77 TEL AVIV A-224
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 21 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1919471
Secure: OPEN
Status: NATIVE
Subject: SNAR: NARCOTICS LAWS IN ISRAEL
TAGS: SNAR, IS
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/afa88a6e-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014